

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6968**

**BILL NUMBER:** HB 1208

**NOTE PREPARED:** Jan 5, 2012

**BILL AMENDED:**

**SUBJECT:** Oath Requirement for Legislative Testimony.

**FIRST AUTHOR:** Rep. Eberhart

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires the chair or acting chair of: (1) a standing committee of the House or the Senate; (2) a joint committee of the House and the Senate; or (3) a committee established by statute or by the Legislative Council that meets certain requirements; to administer an oath, affirmed under the penalties for perjury, to each witness giving testimony to the committee. It prescribes the substantial form of the oath. It provides that the Legislative Council may prescribe different forms of the oath to make the form of the oath suitable to different circumstances under which the oath may be taken. It provides that a witness before a committee may state the oath orally in the presence of the chair or acting chair or give the oath in the form of a writing signed and dated by the witness. It provides that the Legislative Council may determine whether probable cause exists that a witness violated the witness's oath. The bill also provides that a prosecuting attorney may not bring a criminal action for violation of a witness's oath except by referral from the Legislative Council. It makes conforming changes to a statute that gives members of the General Assembly notarial powers.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** *Penalty Provision:* It is unknown to what extent individuals could commit perjury under this bill. The bill provides that a criminal action may not be brought by a prosecuting attorney without a referral by the Legislative Council.

Perjury is a Class D felony, and is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,318 annually, or \$9.09 daily, per prisoner. However, any additional

expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Jessica Harmon, 317-232-9854.